

## **REMARKS**

### **I. INTRODUCTION**

The application has been carefully reviewed in light of the Office Action dated March 29, 2010. This communication is believed to be a timely and complete response to that Office Action. The present application includes claims 10-18 prior to entry of the foregoing amendments. By the present Office Action, claims 1-18 are rejected.

By the foregoing amendments, claims 10 and 16 are amended, and claims 19-29 are being newly added. With the amendments, Claims 10-29 are pending in the application.

Support for the foregoing amendments can be found in the original specification and drawings and thus no new matter has been added. Reconsideration of the present application is respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

### **II. OBJECTIONS TO THE DRAWINGS**

The drawings are objected to as failing to comply with 37 CFR §1.84(p)(5) because they do not include the reference numeral "330" mentioned in the description and also because they include the reference numerals "376", "374", "372", "364", "362", "358", "354", "326" and "338" that are not mentioned in the description. In response to these objections, Applicant has amended Paragraphs [0058] and [0061] to delete "330" from the description as well as to clarify that the reference numerals "376", "374", "372", "364", "362", "358", "354", "326" and "338" are substantially mentioned in the written description. Accordingly, Applicant submits that the drawings now comply with 37 CFR §1.84(p)(5). Withdrawal of the drawing objections is respectfully requested.

### **III. CLAIM REJECTIONS**

#### ***Under 35 U.S.C. § 102***

Claims 10-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Huspeka et al. (US 5,699,959). Claims 10-14 and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kaisha et al. (FR 2456044). In view of these rejections, claims 10 and 16 are amended. Claims 10 and 16 as amended are no longer anticipated by Huspeka or Kaisha for the following reasons:

Claim 10, as amended, recites in part: "... said first ply has a first handle aperture, said second ply has a second handle aperture, and said first and second handle apertures are disposed in substantial registry to provide a single hand opening."

Huspeka fails to disclose such registered handle apertures. The element 48 shown in Figures 5, 8 and 9 of Huspeka, for example, is a projection that is received in an opening 42 which, by the way, is NOT a handle aperture. Kaisha does not at all disclose a handle aperture. For at least those reasons, claim 10 is allowable.

Claims 11-15 depend from allowable claim 10. For at least that reason, claims 11-15 are also allowable.

Claim 16, as amended, recites in part: "... said first ply has a first handle aperture, said second ply has a second handle aperture, and said first and second handle apertures, when the carton is erected, are disposed in substantial registry to provide a single hand opening."

As discussed above, Huspeka and Kaisha fails to disclose such registered handle apertures. For at least that reason, claim 16 is allowable.

Claims 17 and 18 depend from allowable claim 16. For at least that reason, claims 17 and 18 are also allowable.

***Under 35 U.S.C. § 103***

Claim 15 is rejected under U.S.C. § 103(a) as being unpatentable over Kaisha as applied to claim 10, and further in view of Barnhardt et al. (US 3,285,496). However, this rejection is moot because claim 15 depends from claim 10 which is now allowable, which renders claim 15 to be also allowable. For at least that reason, withdrawal of the rejection under 35 U.S.C. § 103(a) is requested.

**IV. NEW CLAIMS**

New claims 19-29 are allowable for the following reasons:

Claims 19-27 depend from allowable claim 10 and thus they are allowable. However, claims 19-27 are also allowable in that they define their respective additional features that are not disclosed by Huspeka, Kaisha and Barnhardt, either alone or in combination.

Claim 19 recites in part: "... said third ply has a cutout which is disposed in substantial registry with said first and second handle apertures to provide said hand opening." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 20 recites in part: "... said hand opening is positioned above said main panel." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 21 recites in part: "... said main panel is provided with a plurality of receiving apertures...." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 22 recites in part: "... each of said receiving apertures is connected to at least another one of said receiving apertures by a frangible connection." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 23 recites in part: "... further comprising a plurality of bottles received in said open top container, said bottles having neck portions that are received in said receiving openings respectively, said neck portions projecting outwardly of the carton through said receiving apertures and being disposed above said main panel." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 24 recites in part: "... said receiving apertures are sized such that each of said bottles cannot move out of the carton through a respective one of said receiving apertures without severing at least one of said frangible connections." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 25 recites in part: "... said open top container is of a tubular structure having a substantially octagonal cross section." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 26 recites in part: "... further comprising a plurality of bottles received in said open top container, said bottles being arranged in multiple rows to form a bottle arrangement, wherein said open top container has corner panels which are positioned adjacent to corners of said bottle arrangement respectively." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 27 recites in part: "... said top closure further comprises corner tabs hingedly attached to said main panel...." Such an arrangement is not shown in Huspeka, Kaisha and Barnhardt.

Claim 28 is independent and requires a package containing bottles wherein the main panel of a top closure is provided with a plurality of receiving apertures in which the bottle necks of the bottles are received such that the bottle necks project outwardly

of the carton through the receiving apertures respectively, wherein each of the receiving apertures is connected to at least another one of the receiving apertures by a frangible connection, and wherein the receiving apertures are sized such that each of the bottles cannot move out of the carton through a respective one of the receiving apertures without severing at least one of said frangible connections. No such arrangement is shown in Huspeka, Kaisha and Barnhardt, either alone or in combination. As such, claim 28 is allowable.

Claim 29 depend from allowable claim 28 and thus is also allowable.

## **V. CONCLUSION**

Applicant believes that the amendments to the claims attached to this response should place the present application in condition for allowance. It is earnestly requested that the application, as a whole, receive favourable reconsideration and that all the claims be allowed as presently constituted.

If any fees are due in connection with the filing of this response, such fees may be charged to Deposit Account No. 132500. If a fee is required for extension of time under 37 CFR § 1.136 that is not accounted for above, such an extension is hereby requested and the fee may also be charged to the above Deposit Account.

Respectfully submitted,

Date: July 29, 2010

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Application Serial No. 10/599,780

Attorney's Docket: 17059

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